

**MINUTES OF THE  
JUDICIARY INTERIM COMMITTEE**

Wednesday, April 16, 2003 – 2:00 p.m. – Room 405 State Capitol

**Members Present:**

Sen. David L. Gladwell, Senate Chair  
Rep. Ben C. Ferry, House Chair  
Sen. Patrice M. Arent  
Sen. Gregory S. Bell  
Sen. James Evans  
Sen. John L. Valentine  
Rep. J. Stuart Adams  
Rep. Chad E. Bennion  
Rep. Katherine M. Bryson  
Rep. Scott Daniels  
Rep. Neal B. Hendrickson

Rep. David L. Hogue  
Rep. Eric K. Hutchings  
Rep. Susan Lawrence  
Rep. Roz McGee  
Rep. J. Morgan Philpot  
Rep. Mike Thompson

**Staff Present:**

Mr. Jerry D. Howe, Policy Analyst  
Ms. Esther D. Chelsea-McCarty, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us.imaging/history.asp> or by contacting the committee secretary at 538-1032.

**1. Committee Business**

Chair Gladwell called the meeting to order at 2:15 p.m.

**MOTION:** Rep. Bennion moved to approve the minutes of the November 20, 2002 meeting. The motion passed unanimously with Rep. Philpot absent for the vote.

**2. Uniform Juvenile Compact Act**

Mr. Ray Wahl, Juvenile Court Administrator, Department of Corrections, distributed "Interstate Compact for Juveniles - Resource Kit" and presented a video presentation on the Interstate Compact for Juveniles. He provided an overview of the compact. He responded to questions from the Committee.

Mr. Steve Barrows expressed concern for the sovereignty of the National Commission.

Sen. Valentine requested staff compare the sanctions of the Adult Interstate Compact with the sanctions for members in the proposed Interstate Compact for Juveniles.

Mr. Kent Bishop, Governor's Office of Planning and Budget, said that the enforcement mechanisms of the current juvenile compact are not working. He responded to committee questions.

Committee discussion followed.

**3. Issues Related to Divorce**

Ms. Lori Nelson, Utah State Bar, proposed that an ad hoc committee be established which would deal with the issues and problems that have arisen with divorce law. She indicated that a number of individuals

have volunteered to be part of that ad hoc committee and requested that three members from both the House and the Senate be part of the committee.

Committee discussion followed, including the possibility for staff services.

**MOTION:** Rep. Bryson moved to request from the Legislative Management Committee approval for a subcommittee on divorce. Committee discussion followed.

**SUBSTITUTE MOTION:** Sen. Valentine moved that the Committee submit a request to Legislative Management Committee for a subcommittee and in the meantime, have the ad hoc committee start its process.

The substitute motion passed unanimously.

#### **4. Offer of Judgment in Settlement of Cases**

Rep. John Dougall indicated that HJR 3, 2003 General Session, passed in the House but the Senate did not have time to consider it.

Mr. Rick Schwermer, Administrative Office of the Court, indicated that this item could be considered by one of the Supreme Court's advisory committees.

#### **5. Establish Study Priorities**

Mr. Howe distributed a list of items assigned to the Judiciary Interim Committee. Committee members were asked to list up to six items to be reviewed by the chairs for establishing future agendas.

Rep. McGee explained the marriage preparation issue and distributed "Evaluating the Effectiveness of Premarital Prevention Programs: A Meta-Analytic Review of Outcome Research."

Mr. Doug Mortensen, attorney, distributed "Proposed Legislation: Litigant's Right to New Judge Following Successful Appeal."

Sen. Valentine explained that the subcommittee which Sen. Evans will present was pre-approved by the Legislative Management Committee.

Sen. Evans explained that he would like the Judiciary Interim Committee to create a subcommittee to study communication and reporting requirements of existing boards and commissions.

**MOTION:** Sen. Evans moved to form a subcommittee to provide recommendations to commissions, councils, government processes, legislative process, to receive more information on various topics of how legislation affects those groups. Committee discussion followed.

Previous Question was called and passed with Rep. Hutchings and Rep. Lawrence voting in opposition.

The motion failed with Sen. Bell, Sen. Evans, Sen. Valentine, Rep. Bennion, Rep. Bryson, Rep. Hutchings, and Rep. Thompson voting in favor of the motion.

**6. Preview of Reports Required to be Heard by the Judiciary Interim Committee**

This item was not discussed.

**7. Other Items / Adjourn**

Chair Gladwell adjourned the meeting at 5:05 p.m.